

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**~~PROPOSED~~ ORDER GRANTING TRUSTEE'S TWELFTH OMNIBUS MOTION TO
DISALLOW CLAIMS AND OVERRULE OBJECTIONS OF CLAIMANTS
WHO HAVE NO NET EQUITY WITH RESPECT TO PETER MOSKOWITZ**

Upon consideration of the motion (the "Motion") (ECF No. 17237), by Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the chapter 7 estate of Bernard L. Madoff ("Madoff") (collectively, "Debtor"), in the above-captioned SIPA liquidation proceeding seeking to have the Court disallow any and all claims and overrule objections filed by or on behalf of customers that withdrew more money from BLMIS than they deposited and are thus, in the parlance of this case, net winners, or by customers that withdrew an equal amount to what was deposited, and are thus in the parlance of this case, net zeros together with the Declaration of Vineet Sehgal in Support of the Motion (ECF No. 17238); the objections filed by Peter Moskowitz (ECF Nos.

1030, 17237) (collectively, the “Objections”); and the Trustee’s reply in opposition to the Objections (the “Reply”) (ECF No. 17709) together with the Declaration of Vineet Sehgal in Support of the Trustee’s Reply (ECF No. 17710); and the Court having held a hearing to consider the Motion on June 27, 2018 (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief requested therein and that the Objections should be overruled; and after due deliberation and sufficient cause appearing therefor; and for the reasons stated on the record at the Hearing, it is hereby

ORDERED that the Motion is granted to the extent provided herein; and it is further

ORDERED that claim no. 003998 and claim no. 004713 (the “Claims”) of Mr. Moskowitz are disallowed and the Trustee’s determination with respect to the Claims is affirmed; and it is further

ORDERED that the Objections are overruled; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: June 28, 2018
New York, New York

/s/ **STUART M. BERNSTEIN**

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE